

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of	)	DOCKET NO. 2008-0273
	)	
PUBLIC UTILITIES COMMISSION	)	
	)	
Instituting Proceedings to	)	
Investigate the Implementation	)	
Of Feed-in Tariffs.	)	
_____	)	

CITY AND COUNTY OF HONOLULU'S MOTION FOR APPROVAL  
TO AMEND ITS STATUS AS AN INTERVENOR TO A PARTICIPANT

DECLARATION OF GORDON D. NELSON

AND

CERTIFICATE OF SERVICE

FILED  
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PUBLIC UTILITIES  
COMMISSION

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CITY AND COUNTY OF HONOLULU'S MOTION FOR APPROVAL  
TO AMEND ITS STATUS AS AN INTERVENOR TO A PARTICIPANT

The CITY AND COUNTY OF HONOLULU ("City"), by and through its attorneys, Corporation Counsel, Carrie K. S. Okinaga, and Deputy Corporation Counsel, Gordon D. Nelson, submits to the Commission for approval to amend its current status as an intervenor to a participant in this proceeding ("Motion"). This Motion is made pursuant to Hawaii Administrative Rules ("HAR") §§6-61-41 and 6-61-56, and is supported by the Declaration of Gordon D. Nelson attached hereto and incorporated herein by reference. Specifically, the City is requesting approval that its participation in this proceeding be hereinafter reduced to allow the City to: (1) monitor the proceeding by receiving the filings by the Commission and the other parties to ensure, among other things, that its interests and/or rights (financially or otherwise), as alleged in its November 13, 2008 Motion to Intervene, are adequately protected, and (2) file any permitted statement in accordance with the Stipulated Regulatory Schedule approved

by the Commission in this proceeding. Pursuant to HAR § 6-6-41(b), the City does not request a hearing on this Motion. In support of its Motion, the City states as follows:

1. Brief Background and Reasons for Requested Relief

The near term plans of the City to expand its generating capacity include the following:

1. Addition of a "Third Boiler" to its current H-Power facility. This will be a waste-to-energy, mass burn facility. The project will add to H-Power the capability to convert an addition 300,000 tons of waste per year to energy. The project is located at the current H-Power site at Hanua Street in Campbell Industrial Park. The expected date of commercial operation is May, 2012 based on information currently available. Initially, the capacity of the Third Boiler will be 17 mw in year 2012, increasing to an additional 10 mw over the following ten years to net of 27 mw in year 2022.

2. Installation of a Photovoltaic (PV) System for Buildings A, B and C at its Halawa Corporation Yard at 99-1077 Iwaena Street, Aiea. The estimated PV system size is 54.6 kw (—1,061 PV panels). Bid opening is anticipated in June 4, 2009.

3. Installation of Photovoltaic (PV) System for Building D at its Halawa Corporation Yard at 99-999 Iwaena Street, Aiea. The estimated PV system size is 100 kw. Bid opening is anticipated in the spring of 2010.

It seems unlikely that the City would submit any of these projects under a project-based feed-in tariff in the form presently proposed by HEC0 and the Consumer Advocate. The City's photovoltaic projects are small projects not



anticipated to generate electricity to be exported to HEC's grid. The City will likely consume all energy produced by these projects on site.

By contrast, the Third Boiler appears to be too large of a project to fit within the parameters being proposed by HEC and the Consumer Advocate. Thus, even if the initially covered technologies were to be expanded to include biomass, and it were to be made clear that biomass includes municipal solid waste, the Third Boiler would not come within the low caps likely to be adopted for this feed-in tariff.

On the basis of its assessment that, as things currently stand in this proceeding, it would not likely submit one of its projects under the feed-in tariff, the City has not retained or named an expert for the upcoming panel hearings in this proceeding. The City believes that until such time as it appears that the feed-in tariff will take a form that will clearly directly impact one of its projects, its interests can hereafter best be served by monitoring further proceedings, rather than actively participating in them as a party.

## 2. Conclusion and Summary of Relief Requested


Based on the foregoing, the City respectfully requests that the Commission grant its Motion to amend its current status as an intervenor to the status of a participant in this proceeding, and allow the City to continue to participate in this proceeding by:

(1) monitoring the proceeding by receiving the filings by the Commission and the other parties to ensure, among other things, that its interests and/or rights (financially or otherwise), as alleged in its November 13, 2008 Motion to Intervene, are adequately

protested, and (2) allowing the City to file any permitted statement in accordance with the Stipulated Regulatory Schedule approved by the Commission in this proceeding.

DATED: Honolulu, Hawaii, April 8, 2009.

CARRIE K. S. OKINAGA  
Corporation Counsel

By   
GORDON D. NELSON  
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Attorneys for the City and County of Honolulu

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DECLARATION OF GORDON D. NELSON


I, Gordon D. Nelson do hereby declare:

1. That I am an attorney employed by the City and County of Honolulu and am the attorney assigned to the within matter;
2. That I am familiar with the proceedings conducted in the within docket;
3. That I have discussed the contents of the within Motion with the Corporation Counsel, and client contacts at the City's Department of Design and Construction and the Department of Environmental Services;
4. That, based on the size and nature of its planned near-term projects as described in the Motion, the City believes that its interests in this proceeding can hereafter be adequately protected by an amendment to of its status to participant status, permitting it to monitor the proceedings and file permitted documents before the Public Utilities Commission as a participant rather than as an intervenor; and

5. The City and County of Honolulu does not request a hearing on this Motion and requests it be granted.

DATED: Honolulu, Hawaii, April 8, 2009.

CARRIE K. S. OKINAGA  
Corporation Counsel

By   
GORDON D. NELSON  
Deputy Corporation Counsel  
Attorneys for the City and County of Honolulu

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CERTIFICATE OF SERVICE

The foregoing document was served on the date of filing by electronic transmission on the date of signature to each of the parties listed below.

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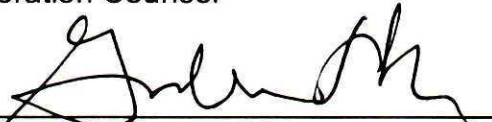
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